

OFFICE OF THE GOVERNOR
STATE OF MONTANA

BRIAN SCHWEITZER
GOVERNOR

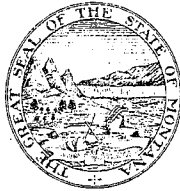


EXHIBIT NO. 1
DATE 4-27-2009
BILL NO. SB 371
JOHN BOHLINGER
LT. GOVERNOR

April 18, 2009

The Honorable Robert Story, Jr.
President of the Senate
State Capitol
Helena, MT 59620

The Honorable Bob Bergren
Speaker of the House
State Capitol
Helena, MT 59620

Dear President Story and Speaker Bergren:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments Senate Bill 371, **"AN ACT REVISING THE DEFINITION OF "EMPLOYEE" OR "WORKER" WITH RESPECT TO WORKERS' COMPENSATION LAWS; CLARIFYING INJURIES THAT MAY NOT BE CONSIDERED AS ARISING OUT OF AND IN THE COURSE OF EMPLOYMENT; AMENDING SECTIONS 39-71-118 AND 39-71-407, MCA; AND PROVIDING AN EFFECTIVE DATE."**

Senate Bill 371 defines certain injuries that do not arise out of and in the course and scope of employment for purposes of workers' compensation coverage. To my understanding, one of the major questions that arose during the deliberations over Senate Bill 371 was whether and to what extent the newly enacted definition changes coverage now available under current rulings by the Montana Supreme Court and generally recognized principles in workers' compensation law. I have reviewed the bill and discussed it with representatives from the Montana Department of Labor and Industry who specialize in this area. My amendments seek to clarify that the bill codifies current legal principles and standards in the area of workers' compensation law.

Sincerely,


BRIAN SCHWEITZER
GOVERNOR

cc: Legislative Services Division

SB 371

Amendments to Senate Bill No. 371
Reference Copy

For the Senate Committee of the Whole

Prepared by Susan Byorth Fox
April 18, 2009 (1:14pm)

1. Page 1, line 9 through line 14.

Strike: line 9 through line 14 in their entirety

Insert: "WHEREAS, the Montana Legislature finds it necessary to provide more certainty and seeks to codify a definition of injuries that do not arise out of and in the course and scope of employment and that is consistent with current rulings of the Montana Supreme Court and generally recognized principles in workers' compensation law."

- END -